

Revised 03/06 W.D.N.Y.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the **INTERNET**. See **Pro Se Privacy Notice** for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: **NOTE:** If more than one plaintiff files this action and seeks in forma pauperis status, *each* plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Robert W. Johnson, 101 Hands On
& Robert W. Johnson, Esq., Pro Se

-VS-

B. Full Name(s) of Defendant(s) **NOTE:** Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. Linda Hesch
2. Quality Assurance & Monitoring Unit
3. The State Education Department
The University of the State of New York
4. CAP
5. ACCES-VR
6. Greene Correctional Facility

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court:

Accession RG FY 17
Number 0336 Box 39: Due Process Rights.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District:

WHISTLEBLOWER PROBES:
Default Judgement: PROBES FOR MERITS.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit:

Civil Rights, Due Process Rights, Merits,
Abuses of Authorities, Judicial Malpractice & Fraud.

B. Defendants

7. New York State Department of Corrections
8. Anthony Annucci
9. Restoration Society
10. Erie County Department of Social Services
11. Erie County Sheriff's Department
12. Buffalo Police Department
13. New York State
14. Kathy Hochul
15. Anthony Masiello
16. Andrew Cuomo
17. Byron Brown
18. Timothy A. Ball
19. Erie County Supreme Court
20. Erie County Buffalo City Court
21. Joseph Ledwin
22. Melissa Perez
23. James T. Reese
24. Kenneth Szyszkowski

3. PARTIES TO THIS ACTION**PLAINTIFF'S INFORMATION NOTE:** To list additional plaintiffs, use this format on another sheet of paper.Name of First Plaintiff: Robert W. JohnsonPresent Address: 112 COURT ST. APT. 2;
WATERTOWN, NY 13601Name of Second Plaintiff: 101 Hands OnPresent Address: 65 SIDNEY ST. ; Buffalo, NY 14211**PLAINTIFF'S****DEFENDANT'S INFORMATION NOTE:** To list additional defendants, use this format on another sheet of paper.Name of First Defendant: Robert W. Johnson, Esq., Pro SeOfficial Position of Defendant (if relevant): Pro SeAddress of ~~Defendant~~: 65 SIDNEY ST. ; Buffalo, NY 14211Name of ~~Defendant~~: Linda HeschOfficial Position of Defendant (if relevant): AgentAddress of Defendant: 89 Washington Ave. ; Albany, NY 12234Name of ~~Defendant~~: Quality Assurance & Monitoring UnitOfficial Position of Defendant (if relevant): CorporationAddress of Defendant: 89 Washington Ave. ; Albany, NY 12234**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT****A.** Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): N/A

The State Education Department :
The University of the State of New York
89 Washington Ave. : Albany, NY 12234.

CAP : 89 Washington Ave. : Albany, NY 12234.

ACCES-VR : 89 Washington Ave. : Albany, NY 12234.

Greene Correctional Facility : 89 Washington Ave. : Albany, NY 12234.

New York State Department of Corrections
89 Washington Ave. : Albany, NY 12234.

Anthony Annucci : 89 Washington Ave. : Albany, NY 12234.

Restoration Society : 89 Washington Ave. : Albany, NY 12234.

Erie County Department of Social Services
89 Washington Ave. : Albany, NY 12234.

Erie County Sheriff's Department
89 Washington Ave.: Albany, NY 12234.

Buffalo Police Department: 89 Washington Ave.: Albany, NY 12234.

New York State: 89 Washington Ave.: Albany, NY 12234.

Kathy Hochul: 89 Washington Ave.: Albany, NY 12234.

Anthony Masello: 89 Washington Ave.: Albany, NY 12234.

Andrew Cuomo: 89 Washington Ave.: Albany, NY 12234.

Byron Brown: 89 Washington Ave.: Albany, NY 12234.

Timothy A. Ball: 89 Washington Ave.: Albany, NY 12234.

Erie County Supreme Court: 89 Washington Ave.: Albany, NY 12234.

Erie County Buffalo City Court: 89 Washington Ave.: Albany, NY 12234.

Joseph Ledwith: 89 Washington Ave.: Albany, NY 12234.

Melissa Perez: 89 Washington Ave.: Albany, NY 12234.

James T. Reese: 89 Washington Ave.: Albany, NY 12234.

Kenneth Szyszkowski: 89 Washington Ave.: Albany, NY 12234.

did the following to me (briefly state what each defendant named above did): All defendants falsified documents to defame Robert W. Johnson, 101 Hands On & Robert W. Johnson, Esq., Pro Se on 11/05/2022.

The federal basis for this claim is: Due Process Violations, Civil Rights.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

\$100,000,000.00 for Punitive Damages; All other Reliefs Just & Proper.

B. SECOND CLAIM: On (date of the incident) 11/05/2022

defendant (give the name and (if relevant) position held of each defendant involved in this incident) All Defendants et al

did the following to me (briefly state what each defendant named above did): All defendants violated Robert W. Johnson, Civil Rights and 101 Hands On and Robert W. Johnson, Esq., Pro Se.

The federal basis for this claim is: Civil Rights.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

\$100,000,000.00 for punitive damages; All other reliefs just & proper.

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

\$ 200,000,000.00 for punitive damages;
All other reliefs just and proper.

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/06/2022
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Robert W. Johnson
Robert W. Johnson

Signature(s) of Plaintiff(s)



THE STATE EDUCATION DEPARTMENT | THE UNIVERSITY OF THE STATE OF NEW YORK | ALBANY, NY 12234

ADULT CAREER AND CONTINUING EDUCATION SERVICES. Vocational Rehabilitation (ACCES.VR)
Quality Assurance and Monitoring Unit
89 Washington Avenue, Room 560, Albany, NY 12234
1-800-222-5627 Fax (518) 473-7466 j E-mail: VRQuality@nysed.gov

December 5, 2022

Robert Johnson
65 Sidney Street
Buffalo, New York 14211

Dear Mr. Robert Johnson,

The New York State Education Department's Office of Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR) received your Request for Due Process in our offices on October 13, 2022.

Your impartial hearing has been scheduled for December 8, 2022, at 10:00 AM via Zoom.

Attached are the exhibits submitted by the ACCES-VR Buffalo District Office.

If you have any questions or concerns, please contact us at: VRQuality@nysed.gov Thank you for your attention.

Sincerely,
Quality Assurance & Monitoring Unit ACCES-VR Central Office

Exhibits Submitted by: ACCES-VR Buffalo District Office

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Exhibit 1

Background Case Note 9/26/22

Consumer Name: Robert W. Johnson
Case ID #: 0300082628
Status: 02

CASE NOTE***Background Information and Current Impressions Case Note*****9/26/2022****Referral Information**

DOC met with Robert on 9/22/22 at the Buffalo District Office. Robert has had 4 previous cases. The most recent was closed Status 08 in March 2020.

Impairment

Robert experienced a back injury as of 10/29/2012. He reports falling. He then reports being reinjured in another car accident in 2017. He has been diagnosed with: Degeneration lumbar intervertebral disc and cervical displacement. Documentation from prior case indicates restrictions to lifting up to 20 lbs. and ability to perform light physical demand work.

Robert reports to writer that he "died" when he was hit by the car and experiences issues related to PTSD and Depression. Robert is scheduled for an intake appointment at Best Self to address ongoing mental health needs. His prior cases indicate linkage with Horizons for Depression and Marijuana Dependence.

Functional Limitations/Impediments to Employment

Documentation and/or observation identifies limitations in the following functional capacities:

Communication: Due to the impairment, Robert has problems with:

Expressive Communication. As a result, he has difficulty answering questions regarding personal history; lacks organization or focus;

Interpersonal: Due to the impairment, Robert has problems with:

Social Interaction. As a result, personal interactions are impaired due to behavior which is defensive; displays values or behaviors contrary to the rehabilitation goal; personal interactions are impaired due to behavior which is overly aggressive;

Work Interaction. As a result, he has difficulty accepting supervision; has difficulty interpreting subtle, nonverbal or verbally nuanced communication; has difficulty sustaining appropriate behavior for prolonged periods; has difficulty working in a group;

Self Direction. Due to this impairment, Robert has problems with:

Initiative. As a result, he needs assistance making decisions regarding basic life necessities; needs frequent direction and encouragement to take action;

Consumer Name: Robert W. Johnson
Case ID #: 0300082628
Status: 02

CASE NOTE

Background Information and Current Impressions Case Note

Judgement. As a result, he does not take time to consider alternative actions; does not take time to consider consequences of actions; refuses to accept or significantly distorts limitations; has an unrealistic understanding of vocational capacities;

Work Tolerance: Due to the impairment, Robert has problems with:

Endurance. Robert is limited in endurance. As a result, he is unable to sustain a consistent work effort over the course of a typical eight hour day;

Capacity for Exertion. As a result, he is limited in bending; cannot accommodate heavy physical exertion; is limited in pulling; is limited in pushing; is unable to lift and carry objects weighing between thirty and fifty pounds;

Family Support and Dynamics

Robert appears to have minimal family support although he does have contact with his mother and uses her address as his mailing address. Robert reports being homeless at the time. He is linked with ECDSS and is staying at a hotel with their support.

Transportation

Robert utilizes public transportation. He has a driver's license but no access to a vehicle.

Legal Issues

Robert had been incarcerated at Green Correctional after being convicted to possession of a firearm and attempted assault of a police officer (attempted to run over an officer while driving under the influence of marijuana) He was on parole until 2016.

Robert has attempted to sue multiple agencies he has worked with including Cellino and Barnes Law Firm, Lake County Ohio Juvenile Court, Rawson Foods, M&T Bank, etc.. He keeps a backpack filled with all of these attempts. There does not appear to have any that were successful.

Education/Training

Robert has a high school diploma. He attended some classes at ECC and Bryant and Stratton. Robert reports that he completed coursework in Basic Legal Research and Law Library Mangement while incarcerated.

Consumer Name: Robert W. Johnson
Case ID #: 0300082628
Status: 02

CASE NOTE

Background Information and Current Impressions Case Note

Work History

Robert reports most recently that he worked 1 day at a rental car agency in the airport. He felt that this was a hazardous work environment given the car exhaust in the underground ramp and quit. Previously he worked as a cab driver and at McDonalds.

Interests and Hobbies

Robert reports that he would like to work in a clerical position.

Services Requested

Services requested by Robert include: supported employment; vocational counseling;

Impact on Financial Benefits

Robert is linked with ECDSS and received housing assistance. He also received Medicaid.

CAP and Due Process Notification Statement

Robert was informed of CAP and ACCES-VR Due Process on 9/22/22.

Professional Opinion

Robert presents as quite paranoid although there is no mention of psychosis in previous case files. He initially requested a copy of his medical forms from his prior case as part of a legal case. Robert presents with a backpack full of paperwork showing his attempts to sue various agencies and individuals whom he feels have wronged him. We spoke of the fact that these attempts have all been unsuccessful and these efforts may be interfering with his ability to move forward with getting some stability in his life. He did appear to have some insight into this and recognized his need to secure a job and housing. We discussed linkage with Restoration Society and he was in agreement. Robert then indicated that he has a DBA and questioned whether assistance would be available. He reports being a legal author. DOC indicated that there doesn't appear to be a way for him to actually earn money with this endeavor and therefore noted that ACCES assistance would be limited to SE services.

Consumer Name: Robert W. Johnson
Case ID #: 0300082628
Status: 02

CASE NOTE

Background Information and Current Impressions Case Note

Rehabilitation Technology

At this time, Robert will not require rehabilitation technology services to achieve an employment outcome.

Next Steps

Complete eligibility and referral to Restoration Society.

Linda Hesch
LH

Exhibit 2

Original IPE 9/26/22

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation**

report. If problems continue, contact my VR counselor, as per my report.

TYPES OF SERVICES

Vocational rehabilitation services are provided to achieve my work goal.

The extended service provider for supported employment will be Restoration Society, Inc and the funding source is OMH.

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation

INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

Original IPE Date: 9/26/2022

I understand that I am eligible for vocational rehabilitation services because I have a disability which limits my ability to work. I will need vocational rehabilitation services to reach my chosen work goal.

This IPE shows what will be provided, who will do it, what is expected, and how to tell if progress is being made toward my work goal. The IPE is an agreement and not a contract. It may be changed if ACCES-VR funding or programs are limited, or if my situation changes. At least once a year or more often, as needed, I will meet with my counselor to review my progress and the services related to reaching my work goal.

My work goal is: **Supported Employment - Office or Administrative Support Occupations (43-0000)** by 12/31/2023

EVALUATION OF PROGRESS TOWARD THE WORK GOAL

Listed below are the important milestones that are necessary to meet my goals and how my progress will be evaluated.

- Supported Employment: Achieve acceptable work relationships with supervisors and coworkers, as per regular reports.
- Supported Employment: Demonstrate job skills that will meet the employers' needs, as per regular reports.
- Supported Employment: Develop the job skills needed to successfully participate in an extended employment environment, as per regular reports.
- Supported Employment: Follow the rules of the work site, as per regular reports.
- Supported Employment: I will follow my employer's rules regarding attendance, such as calling in before any medical absence.
- Supported Employment: When employed, I will attend work as scheduled, as per employer feedback.
- Supported Employment: Work cooperatively with job coach, as per regular reports.
- Supported Employment: Work cooperatively with job coach, as per regular reports.
- Supported Employment: When employed, I will attend work as scheduled, as per employer feedback.
- Supported Employment: I will follow my employer's rules regarding attendance, such as calling in before any medical absence.
- Supported Employment: If there are problems on the job, I will contact Supported Work Program staff immediately, as per program report or my

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation

IPE SERVICES

SERVICE:	Counseling (000X)	START DATE	END DATE
		9/26/2022	9/25/2023
PROVIDER:	ACCES-VR (Counseling and Guidance)		
ADDRESS:			
		ACCES-VR Responsibility	\$.00
		Consumer Responsibility	.00
		Comparable Benefit	.00
		Total Cost	\$.00

SERVICE:	Supported Employment Intake	START DATE	END DATE
		10/3/2022	12/31/2022
PROVIDER:	Restoration Society Inc		
ADDRESS:	66 Englewood Ave Buffalo, NY 14214-0000		
		ACCES-VR Responsibility	\$180.25
		Consumer Responsibility	.00
		Comparable Benefit	.00
		Total Cost	\$180.25

SERVICE:	Supported Employment Pre-Employment Assessment/Job Development Service*	START DATE	END DATE
		10/3/2022	12/31/2022
PROVIDER:	Restoration Society Inc		
ADDRESS:	66 Englewood Ave Buffalo, NY 14214-0000		
		ACCES-VR Responsibility	\$1,802.50
		Consumer Responsibility	.00
		Comparable Benefit	.00
		Total Cost	\$1,802.50

SERVICE:	Supported Employment Job Placement Day 5*	START DATE	END DATE
		10/3/2022	12/31/2022
PROVIDER:	Restoration Society Inc		
ADDRESS:	66 Englewood Ave Buffalo, NY 14214-0000		
		ACCES-VR Responsibility	\$1,390.50
		Consumer Responsibility	.00
		Comparable Benefit	.00
		Total Cost	\$1,390.50

ACCES-VR and Consumer responsibility may change based on other benefits I receive.

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation

This is a summary of rights and responsibilities as they apply to the IPE. Throughout the rehabilitation process, my vocational rehabilitation counselor will be able to assist me in coordinating a program aimed at helping me get a job. ***Services will be provided in the most integrated setting, as appropriate, consistent with my informed choice.***

My Responsibilities

- Keep my counselor aware of any changes in my address, phone number, and how I can be reached;
- Keep all appointments;
- Follow medical and treatment recommendations;
- Help my counselor get reports, grades, and other needed information;
- Keep my counselor aware of any changes in my financial situation;
- Contact my counselor when I get a job;
- Apply for and use assistance from other sources to pay for all or part of the services in my plan, as appropriate;
- Contribute to the cost of services, as determined by ACCES-VR economic need policy;
- Keep my counselor informed of circumstances that may effect my ability to carry out my plan.

ACCES-VR Responsibilities

- Keep information confidential;
- Arrange timely appointments;
- Assist with obtaining services quickly;
- Discuss any changes in my program with you;
- Help me plan how the services will be paid for;
- Pay for services for which ACCES-VR is responsible;
- Help me find a job.

My Comments (optional)

I have reviewed my IPE, dated 9/26/2022, with my counselor and I understand my rights and responsibilities. I also understand that if I disagree with a decision, I have the right to due process, within 90 days of any decision, as my IPE is implemented. I have also been informed that the Client Assistance Program (CAP) is available to me.

X Robert W. Johnson 9/27/22 Linda Hesch 9/27/22
Consumer Signature Date Director of Counseling Date

X _____ Date
Parent (Individuals under 18)/Court-Appointed Legal Guardian/
Authorized Representative

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities.

Exhibit 3

IPE Amendment 9/27/22

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation

INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

IPE Change Date: 9/27/2022

We agreed to the following plan:

My work goal is: **Supported Employment - Office or Administrative Support Occupations (43-0000)** by 12/31/2023

EVALUATION OF PROGRESS TOWARD THE WORK GOAL

Listed below are the important milestones that are necessary to meet my goals and how my progress will be evaluated.

- Supported Employment: Achieve acceptable work relationships with supervisors and coworkers, as per regular reports.
- Supported Employment: Demonstrate job skills that will meet the employers needs, as per regular reports.

TYPES OF SERVICES

Vocational rehabilitation services are provided to achieve my work goal.

The extended service provider for supported employment will be Restoration Society, Inc and the funding source is OMH.

IPE SERVICES

SERVICE:	990T Transportation During Employment Services	START DATE	END DATE
		10/1/2022	12/31/2022
PROVIDER:	Niagara Frontier Transit Metro System Inc		
ADDRESS:	Box 5010 Buffalo, NY 14205-0000		
		ACCES-VR Responsibility	\$225.00
		Consumer Responsibility	.00
		Comparable Benefit	Unknown
		Total Cost	\$225.00

ACCES-VR and Consumer responsibility may change based on other benefits I receive.

My Comments (optional)

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation

I have reviewed my IPE, dated 9/27/2022, with my counselor and I understand my rights and responsibilities. I also understand that if I disagree with a decision, I have the right to due process, within 90 days of any decision, as my IPE is implemented. I have also been informed that the Client Assistance Program (CAP) is available to me.

x [Signature] 09/27/22 x Linda Hesck 9/27/22
Consumer Signature Date Linda Hesck Date
Director of Counseling

X

Parent (Individuals under 18)/Court-Appointed Legal Guardian/
Authorized Representative

Date

Exhibit 4

IPE Amendment and Case Note 10/7/22

Consumer Name: Robert W. Johnson
Case ID #: 0300082628
Status: 18

CASE NOTE

IPE Development for Changes Case Note

10/7/2022

Employment Goal Development

Robert's Employment Goal is Clerical work.

Service Options

Robert is being referred to WNY Independent Living Center for benefits advisement services. Robert is struggling to navigate community resources and could benefit from some assistance. He is receiving temporary assistance but could use some assistance in securing stable support.

Comparable Benefits

There are no known Comparable Benefits available that would apply to the service(s) now under consideration.

Economic Need Determination

A calculation of economic need was completed for 2022-2023. Robert is exempt because he is a recipient of Safety Net Assistance (SNA) non-cash benefits.

Linda Hesch
LH

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation

INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

IPE Change Date: 10/7/2022

We agreed to the following plan:

My work goal is: **Supported Employment - Office or Administrative Support Occupations (43-0000)** by 12/31/2023

EVALUATION OF PROGRESS TOWARD THE WORK GOAL

Listed below are the important milestones that are necessary to meet my goals and how my progress will be evaluated.

- Career Development: Investigate and understand the impact of work on my benefits, as per regular reports and contact with your VR counselor on a regular basis.

TYPES OF SERVICES

Vocational rehabilitation services are provided to achieve my work goal.

The extended service provider for supported employment will be Restoration Society, Inc and the funding source is OMH.

IPE SERVICES

SERVICE:	Benefits Advisement (175X)	START DATE	END DATE
		10/13/2022	12/31/2022
PROVIDER:	WNY Independent Living Ctr Inc		
ADDRESS:	Attn: Katrina Jacobi		
	3108 Main St		
	Buffalo, NY 14214-0000		
		ACCES-VR Responsibility	\$515.00
		Consumer Responsibility	.00
		Comparable Benefit	.00
		Total Cost	\$515.00

ACCES-VR and Consumer responsibility may change based on other benefits I receive.

My Comments (optional)

Consumer Name: Robert W. Johnson
Case ID #: 0300082628

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES
Vocational Rehabilitation

I have reviewed my IPE, dated 10/7/2022, with my counselor and I understand my rights and responsibilities. I also understand that if I disagree with a decision, I have the right to due process, within 90 days of any decision, as my IPE is implemented. I have also been informed that the Client Assistance Program (CAP) is available to me.

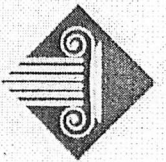
x Robert W. Johnson 10/13/2022
Consumer Signature Date

x Linda Hesch 10/13/22
Linda Hesch Date
Director of Counseling

x Robert W. Johnson 10/13/2022
Parent (Individuals under 18) Court-Appointed Legal Guardian/
Authorized Representative Date

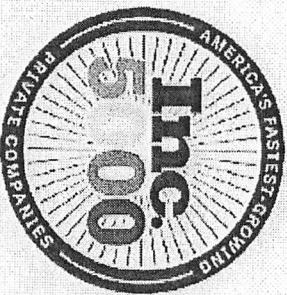
Exhibit 5

Commercial Capital Training Program



COMMERCIAL
CAPITAL
TRAINING
GROUP

THE COMPANY



Signature Gold Program – \$25,000

Overview Of Our Best Selling Entrepreneur Package

Loan Broker Training Program

Our commercial finance training course and finance entrepreneur start-up program has been established in a time when banks are owners and alternative funding businesses are emerging to fill the lending gap that exists among businesses of all sizes.



COMMERCIAL
CAPITAL
TRAINING
GROUP™

Financial Business Training

A 7-day Comprehensive Training Held in Our Albany, NY Taught By Our Founder and CEO, Kris Roglieri

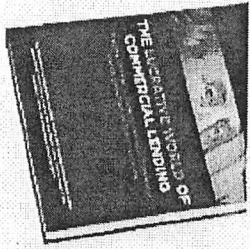
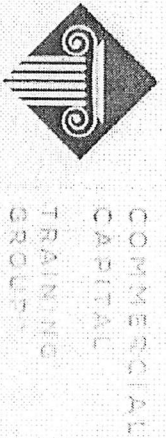
Our loan broker training program is the most comprehensive commercial finance training country, period. We also have the most experience when it comes to commercial lending founder has owned a national commercial finance company for over 20 years financing transactions and also the nation's only finance marketing agency which does marketing for brokers, and financial services firms. All that experience and knowledge is translated into

Our one-of-a-kind training program has eliminated all the costs, trials and tribulations that one would have to face in trying to start off by learning the basics about running your own financial business. Being your own boss is a great experience, and we will show you how to effectively manage your business in any situation. We'll even show you how to grow your business by hiring an effective sales force to ensure continued growth. Throughout the training, you will learn about over 45 different commercial finance products that you will be able to actually meet the lenders live that you will be approved to do business with. You will discover various ways to make an unlimited income from your lenders and the products they have to offer. They will teach you how to target the appropriate businesses for their products. You will learn the lender's program and what types of businesses they serve. Whether you have a \$50,000,000 deal or a \$25,000 deal, you will learn how to work with the client you are working with and how to properly present transactions to your lenders. There will be real examples of transactions, and we even do some role playing in class. Then comes marketing. We know the marketing industry just like we know the finance industry better, we know marketing in the finance world, as our founder owns the nation's only **dedicated finance marketing agency**. We go through every form of marketing and how to generate prospects in this industry with every type of media that is out there today.

Receive a FREE eBook to Get Started On Your Journey To Success

10/26/22, 4:25 PM

Gold Program | In-person & Online Loan Broker Training Program | CCTG



UPCOMING CLASS

Our classes fill up quickly, so contact us today to reserve your spot. The next training class is:

October 17-22, 2022

VIEW TRAINING SCHEDULE

SUCCESS STORIES

Terry Luker Does Over \$1 Mil...



<https://commercialcapitaltraining.com/finance-program/your-investment/gold-program/>



COMMERCIAL
CAPITAL
TRAINING
GROUP

RECOGNITIONS

The Commercial Capital Training Group made the Inc. 5000 list, holds a stellar business standing with the Better Business Bureau and made the Albany Business Review's Top 25 Fastest Gr

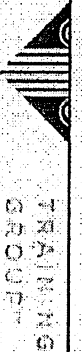
What's Included in Our Signature Gold Program:

Commercial Loan Broker
Marketing

A One-Of-A-Kind Marketing Power Package Education

We spend almost two days on marketing and targeting businesses. Marketing is one of the factors in any business. Our instructors with over 75 years of combined experience will share techniques for marketing that will get you clients on your first day in business. We know the industry better than anybody because our founder owns the nation's only full service marketing concentrates on clients in the finance industry. Our sister company, The Finance Marketing, provides marketing services to banks, lenders and brokers in the finance industry. You will as

Our classes fill up quickly, so we have a few seats left in our October 2022 training. Reserve your spot today!



How

Intense Lead Generation, Marketing For Life And Your Own Finance Product

Entrepreneurs who choose to invest in our elite Platinum Program, get nothing but the best. This program includes an export program, lead generation for two years, your very own commercial finance product and so much more.

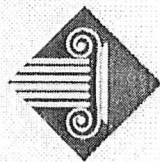
Along with all the benefits of our core signature Gold Program, entrepreneurs will receive the additional features highlighted

Elite Platinum Package Overview | Commercial Capital Training Group

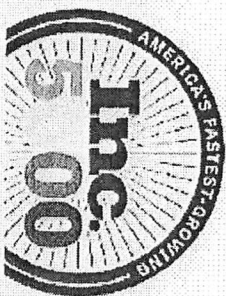
<https://commercialcapitaltraining.com/finance-program/your-investment/platinum-program/>

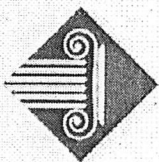
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Platinum Program | In-person & Online Loan Broker Training Program

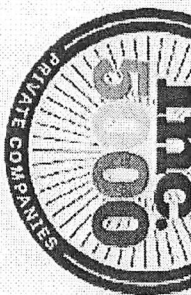


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COMMERCIAL
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Elite Platinum Program – \$68,000

Overview Of Our Premium Entrepreneur Package

This is our most exclusive package that includes our 7 day training. It is specifically designed and tailored for the entrepreneur who has the best strategic marketing plan to maximize their success with their finance business at a fraction of the true market price for the service this package.

For the entrepreneurs that are interested in joining the lucrative industry of commercial finance and launching their own finance business, consider investing in our premium Elite Platinum Package to start their business off right. This package is designed to accommodate the very best for their company. With your investment in this business opportunity, you are provided with a variety of services for your business and assist with building your business for years to come.

<https://commercialcapitaltraining.com/finance-program/your-investment/platinum-program/>

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Commercial Finance Program | Commercial Capital Training Group

Don't miss this opportunity to secure seats for our October 2022 training - [register now](#) for your spot today!



COMMERCIAL
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MENU

THE PATH TO CHANGE YOUR LIFE STARTS HERE

Start Your Own Finance Business in 7 Days
With Our Training Program

Commercial Capital Training Group offers an intensive 7-day commercial loan broker training course that empowers entrepreneurial resources to successfully start and operate their very own commercial finance business. This low-cost, low model will allow you the opportunity to provide a diverse selection of financing solutions to businesses in need.





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Own A Finance Business That Lends Capital to Business Real Estate Investors

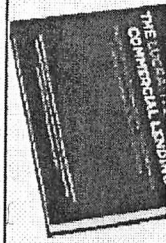
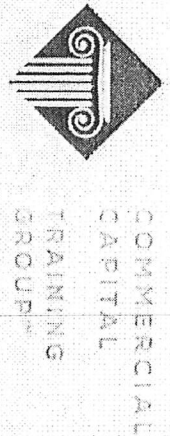
Receive a FREE eBook to Get Started On Your Journey To Success

DOWNLOAD OUR FREE E-BOOK

Our FREE commercial finance eBook and DVD provides you with information about the prosperous opportunities available to entrepreneurs starting their own commercial finance business and pursuing a career in a lucrative industry.

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Commercial Finance Program | Commercial Capital Training Group



Become a Commercial Loan Broker Through Commercial Capital Training Group



<https://commercialcapitalthraining.com/finance-program/>

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Commercial Finance Program | Commercial Capital Training Group

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After completing our finance program, you will be able to start out as a full-service commercial finance business, providing business real estate loans from \$5,000 to over \$500,000,000 to businesses with virtually any type of credit and in any industry. In addition to the advantage of the opportunities created by loan turn downs from banks, you will be able to provide alternative solutions for business estate investors that are very competitive and more attractive than traditional lending programs.

You will have the ability to offer **over 50 different types of commercial loans** to businesses and commercial real estate investors, from 1% to 15% of the loan amount, depending on the type and size of the transaction.

Fifth Annual CCTG Reunion Conference

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Commercial Finance Program | Commercial Capital Training Group

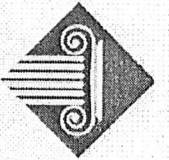


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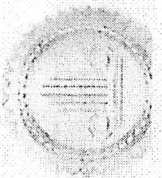
There are even some loans where you will earn an on-going monthly commission for a one-time transaction. This is what the industry—a check every month for closing one loan. With some transactions, you can make more money with one deal than most people make the commissions are in the six figure range – this is typical with larger transactions). You can also fund smaller deals and close multiple transactions a month.

We give you all the education, tools, resources and support to jump-start your finance business today

Our Program Packages



COMMERCIAL
CAPITAL
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GROUP™



Signature Gold Package

Our Signature Gold program has been with us since the inception of our program. Certain features have been added and expanded over the years. Get all of the education and resources needed to start your own commercial finance business and grow that business to be a suc-

SEE GOLD PROGRAM DETAILS

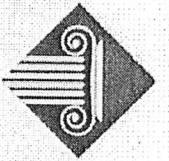


Elite Platinum Package

This package is specifically designed and tailored for the entrepreneur who commands the very top level of the lending market. Maximize the business, when you have the right location, offer the right product, and for the right market. We are proud to be a part of your success.

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Commercial Finance Program | Commercial Capital Training Group



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Legacy Package

This is our most exclusive and all-inclusive package. Combined with more marketing than our elite package and your own personal documentation, very best that the industry offers.

SEE WHAT PROGRAM OFFERS

Additional Package Add-On Opportunity

Earn More Revenue by Offering Digital Marketing to Your Clients

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Commercial Finance Program | Commercial Capital Training Group



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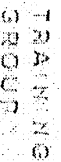
Enhanced Profit Package

Capitalize On Your Every Business Needs To Grow: CAPITAL & MARKETING

Our Enhanced Profit Package is designed to help you grow your business with decades of financial marketing experience. This package is designed to help you grow your business with decades of financial marketing experience. One in 10 businesses fail within the first year. You'll leave training with 120+ profitable business opportunities. One in 10 businesses fail within the first year. You'll leave training with 120+ profitable business opportunities.

SEE ENHANCED PROFIT PROGRAM DETAILS

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We invite you to learn more about all of the features and benefits this program has to offer to get your business up and running.

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Legacy Program | In-person & Online Loan Broker Training Program

Our Legacy Program includes everything you need to succeed in the industry - including your spot today.



LEGACY
GROUP

MENU

The Most Exclusive Offering in The Industry

Our Legacy program includes everything our Platinum program offers plus:



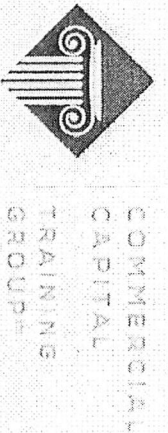
3 Years of

Exclusive Leads



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Legacy Program | In-person & Online Loan Broker Training Program



Legacy Program – \$99,000

Overview Of Our Exclusive Legacy Package

Loan Broker Training Program

This is our highest level program tailored to the entrepreneur who wants the ultimate array of resources and tools to maximize and success operating their own commercial finance company. Our Legacy package was created out of the most important needs of noticed over the past decade in creating commercial loan brokers. It consists of everything our popular platinum package offers plus worth of exclusive real-time leads, our marketing enhancement package and your very own back office personal processor for the li which will allow you to focus on business development and leave all the responsibility of collecting documents and submitting loan f personal loan processor.

Millions in Transactions Since Loan Broker Training

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Upcoming Events | Commercial Capital Training Group

Class Schedule

Today

UPCOMING

October 2022

MON

17

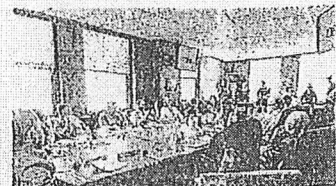
October 17 - October 22

October 2022 Class Week

Commercial Capital Training Group 66 South Pearl
Street, 10th Floor, Suite #1012, Albany, NY

Our commercial loan broker training and
entrepreneurship program will be held the week of
October 17-22, 2022.

\$25000 - \$99000



November 2022

MON

14

November 14 - November 19

November 2022 Class Week

E for All Small Business Entrepreneurship Training

Exhibit 6

[Home](#) > [NY](#) > [Buffalo](#)

Buffalo

The second largest city in New York state, Buffalo has been working hard to revitalize after the loss of its industrial base and increased suburbanization in the 1960s and 70s. The city has made a strong commitment to supporting small business growth which lags behind U.S. and New York State averages, particularly among women and people of color. Given 50% of the city's population are people of color, the community is particularly focused on supporting programs such as EforAll that address the unique challenges faced by these individuals.

Our Programs

Business Accelerator

The Accelerator is a free, one-year program offered twice a year in EforAll communities. It provides immersive business training, mentorship and access to an extended professional network. Anyone with a dream to start or grow a business is encouraged to apply.

[Learn More](#)[Apply Now](#)

Pitch Contests

Fast-paced, fun community events that enable early-stage entrepreneurs to gain valuable exposure and feedback on a business idea at no cost. Great opportunity to network and validate business idea with potential to win a cash prize from EforAll.

[Learn More](#)[Apply Now](#)

Buffalo Entrepreneurs

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Buffalo - EforAll small business entrepreneurship training

This Venture is Committed to Lifting Up Black Identity and Culture

Kara Oliver-Pérez noticed her niece was struggling with identity and it brought her back to her own youth when she...

[Read More](#)

<https://eforall.org/ny/buffalo/>

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Buffalo - EforAll small business entrepreneurship training

<https://eforall.org/ny/buffalo/>

[Home](#) > [Programs](#)

Buffalo Winter 2023 Accelerator

Thank you for your interest in the upcoming EforAll Business Accelerator!

Business Accelerator

The Accelerator is a free, one-year program offered twice a year in EforAll communities. It provides immersive business training, mentorship and access to an extended professional network. Anyone with a dream to start or grow a business is encouraged to apply.

Class Information

Classes are held on Tuesdays from 5:30-8:30 pm and Thursdays from 11-1 pm.

Key Accelerator Dates

- **Application Deadline:** Thursday, October 27, 2022 @ 5pm
- **Semi-Finalist Announced:** Friday, November 4, 2022 (by end of the day)

- Semi-Finalist Interviews (must attend a 30-minute online interview): November 8, 9 and 10, 2022
- Finalists Announcement: Wednesday, November 16, 2022
- Entrepreneur Orientation: Wednesday, November 30, 2022
- Mentor Matching: December 14, 15 and 16, 2022
- Intensive Business Training and Weekly Mentor Meetings: Tuesday, January 10 – Thursday, March 30, 2023
- Final Presentations: April 18, 19 and 20, 2023
- Quarterly Check-ins and Monthly Mentor Meetings: April – December 2023
- Showcase and Celebration: Thursday, April 27, 2023

[Apply Now](#)[Learn More](#)

Contact Us



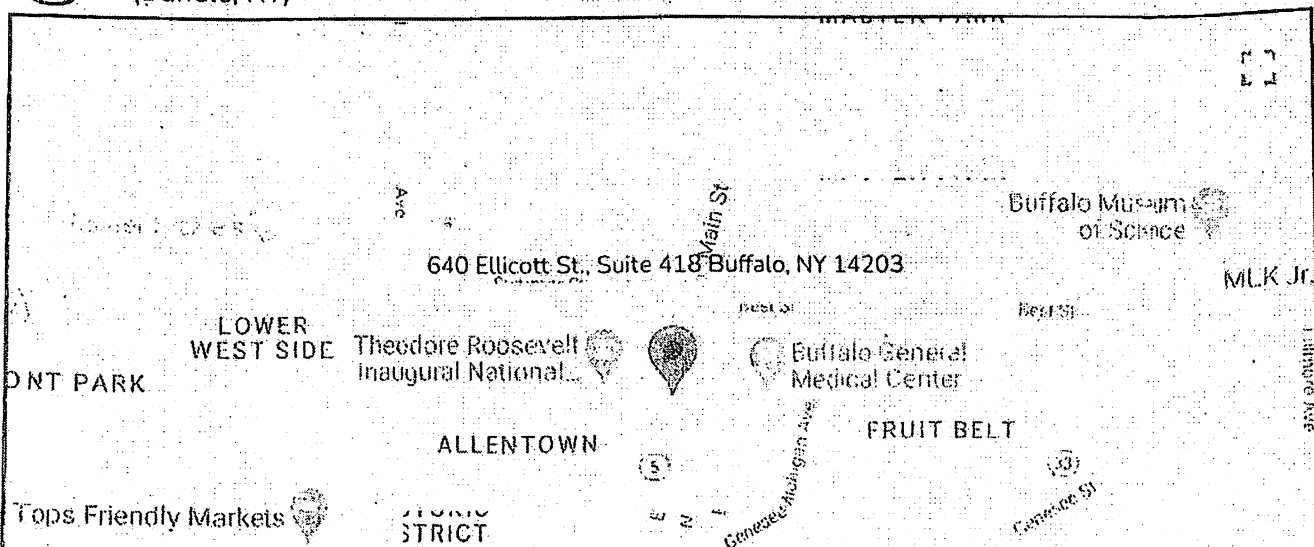
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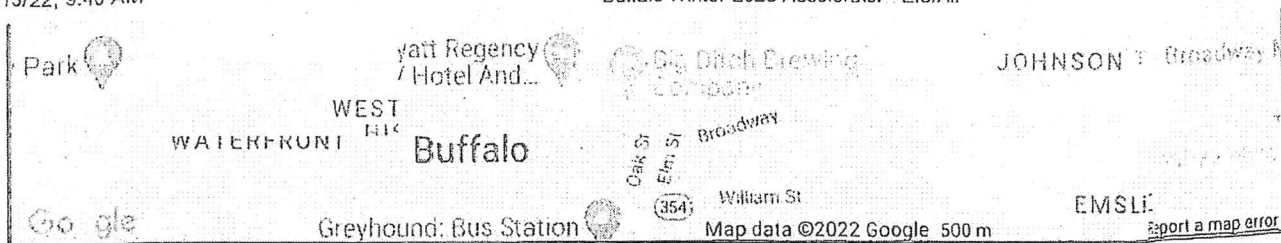


buffalo@eforall.org



Innovation Center
(Buffalo, NY)





Follow Us on Social



Juweria Dahir

Executive Director



Sonya Tareke
Program Manager

English Español (Spanish)

[Home](#) > [Business Accelerator](#)

Business Accelerator

Program Overview

The EforAll Accelerator Program is a free, one-year program offered twice a year in each of our communities. This program offers a unique combination of immersive business training, mentorship and access to an extended professional network. Anyone with a dream to start or grow a business or nonprofit are encouraged to apply.

The program is also offered in Spanish in many of our communities. [Leer en español](#).

Primary Benefits

- Absolutely no cost to participate.
- Cohort model featuring up to 15 entrepreneurs per class facilitates collaboration and teamwork.
- Practical, intensive sessions with content specialists cover critical early-stage business challenges (i.e. value proposition, fundraising, bookkeeping, pricing, social media).
- Opportunity to win seed money each quarter.
- Open to all individuals in and around the communities EforAll serves
- A team of three dedicated Mentors to guide each entrepreneur take the business idea to the next level.
- Proven ability to provide entrepreneurs with increased confidence, clarity, and connections.
- Lifelong membership in the EforAll community!

How It Works

EforAll's year-long Accelerator Program is broken into two distinct phases:

During the first three months:

- Entrepreneurs attend classes as part of a "cohort" (up to 15 other entrepreneurs) taught by content specialists twice a week. Classes will be a mix of online and in-person.
- Entrepreneurs meet online with their very own team of three Mentors for 90 minutes every week to help guide them in taking their idea to the next level.
- At the end of three months, an in-person Showcase and Celebration event is held for entrepreneurs to celebrate their Accelerator Program accomplishments with friends, family and community.
- Total weekly time commitment is 8-10 hours including 5 hours of classes, 1.5 hours of online mentor meetings, and additional time to work on your business.

For the remaining nine months:

- Entrepreneurs meet online with their mentor teams once a month for 90 minutes
- Entrepreneurs meet with their cohort teams once per quarter.

Throughout the year-long program, there are quarterly opportunities to receive small cash prizes.

Who Should Apply

The Accelerator Program is open to all individuals located in or near an EforAll community and is offered at no cost.

EforAll's program works with individuals across a wide range of industries and it is open to people who are still in the idea stage, people with a hobby looking to take it to the next level, or those looking to pivot and grow an existing business or nonprofit.

The Application Process

Submit your application

Applications typically accepted up to six months prior to each community's Accelerator Program start date. Applicants submit their application online via the EforAll app.

Applications must be submitted 3-4 weeks prior to program start date.

Receive Feedback

All applications are reviewed by a team of EforAll Volunteer Readers who will provide helpful feedback to all applicants.

Get interviewed

EforAll selects applicants for an in-person interview at a convenient community location and will choose final cohort candidates within 7-10 days from interview.

Find your Mentors

Entrepreneurs selected to be in the program will have a team of three mentors. Mentors are volunteers with a wide range of business experience who are committed to helping entrepreneurs move forward with their business idea. Entrepreneurs are paired with their mentors through a fun and fast-paced Mentor Matching event where everyone has the opportunity to meet and rank who they are most interested in working with. EforAll's proprietary software tool uses the rankings along with schedule availability to create the teams.

[Find an upcoming accelerator](#)

If the community nearest to you doesn't have an application posted, email info@eforall.org to find out about the next Accelerator Program.

Exhibit 7

Chronological Case Note 10/13/22

CASE NOTE***Chronological Case History/Important Events Case Note*****10/13/2022****Today's Events**

Robert had showed up at Buffalo DO requesting to meet on 10/6/22. DOC was unavailable at that time and scheduled a follow up appointment for 10/13/22. Robert had left a piece of paper with reception indicating his desire to participate in an upcoming training program in Albany. DOC indicated that I would research the program in anticipation of our meeting.

Robert arrived late to our meeting on this date but did call to let DOC know. He presented with a strong smell of marijuana and was more symptomatic in terms of mental health, than in our previous meetings. He was quite difficult to redirect in conversation and was asserting that he is a whistleblower for the government with special security clearance. DOC has asked if he had completed his intake with BestSelf that he had spoken of previously or met with staff at Restoration with whom he was referred for Supported Employment Services. Robert did not clearly answer but laughingly spoke of having to go to Ohio for a psychological evaluation as part of his Social Security claim. DOC questioned why it would be in Ohio and how he would get there and he indicated he didn't know. Robert then questioned whether ACCES could help with the training program he shared. The program is Commerical Capital Training Group. The website indicates that they provide an intensive 7-day commercial loan broker training course to help entrepreneurs learn to successfully start and operate a commercial finance business. Their courses range from \$25,000 to \$99,000. DOC indicated that in addition to the expense, ACCES could not support the program as it is not a feasible employment goal. It was noted that Robert does not have any education or experience with finances, and reminded him that he had agreed with the need to pursue stable employment via SE to address his current homelessness and lack of financial resources. Robert was not receptive to this. He indicated that he is an entrepreneur as he has a DBA to be an author and songwriter. He forwarded e-mails of barcodes which he reported are songs and an e-mail stating that he has a fan of his song in Japan. He then brought out the stack of papers he carries with him of law suits, criminal and human rights complaints he has brought against various entities including doctors, lawyer, banks, the Attorney General and Governor which he believes prove that he is a "legal author". DOC noted that these have never resulted in income for him as he also has documentation that all of these have been dismissed or never acted upon. At this time he provided his most recent complaint forms he files with the NYS Division of Human Rights against NFTA and M&T Bank reporting that he was robbed at gunpoint. He also filed a Family Court Petition against a Buffalo Police Officer selecting all of the options on the form as offenses the officer committed against him. Robert requested that I make a copy of these for our records. DOC did make a copy as it seems to help support his psychiatric instability at this time.

DOC highly encouraged his follow through with BestSelf indicating that while we would like to help him, there are some concerns with his ability to pursue employment. He asked again about the Commercial Capital Training. DOC asserted that we could not sponsor this program. Prior to our meeting DOC had printed out information about a free entrepreneur program in Buffalo - EforAll Small Business Entrepreneurship Training which was given to him as an option. He stated that he

Consumer Name: Robert W. Johnson
Case ID #: 0300082628
Status: 18

CASE NOTE

Chronological Case History/Important Events Case Note

wanted to disagree with my decision. Robert was told that he had the right to disagree with the decision and provided him with Due Process information. He chose to fill out the form before leaving. He selected all the Due Process options including Administrative Review, Mediation and Impartial Hearing. He also requested the phone number of our "legal department". DOC provided him the phone number for Quality Assurance. DOC assured Robert that we really would like to help him get some stability in his life and believe that his following through with BestSelf and then SE services would be the most appropriate next steps for him. Robert indicated that he does feel like I want to help and appreciates the support. DOC will follow up on the VR-711 and instruction from QA.

Linda Hesch
LH

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF ERIE

In the Matter of the Claim of

Robert W. Johnson & 101 Hands On
- against - Craig Tessler, Esq. & Danielle Maloy

NOTICE OF CLAIM

☐ Village ☐ Town ☐ City ☒ County of

ERIE

TO: ☐ Village ☐ Town ☐ City ☒ County of ERIE

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against you as follows:

1. The name and post-office address of the claimant and of his/her attorney is:

Claimant
Robert W. Johnson
101 Hands On

Claimant's Attorney
Robert Johnson Esq.
Robert Johnson Esq.

2. The nature of the claim:

Due Process Violations, Human Rights Violations,
Civil Rights Violations, Impaired Hearing Conflicts of
Interests, Federal & State Violations, Pro Se Corporation
Violations, Jury Trial Demanded, Abuses of Discretions
& Authorities.

3. The time when, the place where and the manner in which the claim arose: The incident occurred on November 8, 2022, at or about 10 ☒ a.m. ☐ p.m.,

NYS Education Dept., 89 WASHINGTON AVE., ROOM 560
ERA, ALBANY, NY 12234; 800-222-5627.

4. The items of damage or injuries claimed are:

Mental & Physical Anguish: Last Wages: Insurance Coverage
Punitive Damages: Merits For Claims: All other reliefs just & prop

That said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.



The University of the State of New York
THE STATE EDUCATION DEPARTMENT
 Office of Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR)

DUE PROCESS REQUEST

Form **VR-711** (Rev. 7-2021)

If you do not agree with a decision or action made by ACCES-VR you may ask for a review of the decision by requesting due process. Your due process request must be made within 90 days of the action or decision you disagree with *unless* you can show good reason for asking after 90 days. **ACCES-VR will not suspend, reduce, or terminate vocational rehabilitation services being provided to you as an applicant or recipient of services until your complaint is resolved.**

➤ **For D0/CO Use** ◀

Date stamp form receipt here:

Upon receipt of your request our Quality Assurance and Monitoring Unit will contact you to advise you of next steps. **Failure to provide a signed form with all required information may result in a delay.**

1. CONTACT INFORMATION (required)

Last Name: Johnson First Name: Robert Middle Initial: W
 Street Address: 65 SIDNEY ST.
 City: BUFFALO State: NY Zip: 14211
 Phone: (513) 258-8488 Email Address: robertjohnson365@gmail.com

2. WHAT ACTION or DECISION DO YOU REQUEST BE REVIEWED? (required)

Briefly describe (a) the action or decision by ACCES-VR you disagree with, (b) when it occurred, (c) the individuals involved, and (d) why you disagree. You may use the back of the form or attach another page if you need more space.

I requested a grant for college/vocational training and was denied.

2a. HOW WOULD YOU LIKE THIS DISAGREEMENT DECIDED? (required)

Briefly describe how you would like this disagreement decided - What solution or outcome do you want from due process? You may use the back of the form or attach another page if you need more space.

Legal : Due Process Hearing ; Whistleblower
Probes : Monetary Compensations .

3. IMPARTIAL HEARING

An **IMPARTIAL HEARING** must be scheduled within 60 days of receipt of a valid request for due process. Any request to postpone the hearing requires the agreement of all parties and approval of the Impartial Hearing Officer (IHO). Impartial Hearing Officers (IHO) are NOT employees of ACCES-VR. ACCES-VR is responsible for the Hearing Officer's fee for conducting a hearing, for the cost of transcription services, and cost of any reasonable accommodation you require to participate in the hearing.

➤ REASONABLE ACCOMMODATION

☒ Check this box if you require a reasonable accommodation to participate in an Impartial Hearing.

Please identify the type of accommodation you require:

Legal attorney ; Whistleblower
Probes : Monetary Compensations .

ACCES-VR makes INFORMAL DISPUTE RESOLUTION (Administrative Review) and MEDIATION available to you as a less formal and quicker way to resolve your dispute. Participation is not required, is voluntary for all parties, and should not delay your hearing unless agreed to by all parties and approved by the IHO. If an agreement is reached, your Impartial Hearing may be canceled. If you are unable to reach an agreement, you can proceed to an impartial hearing without delay.

► **INFORMAL DISPUTE RESOLUTION (Administrative Review)**

Must be scheduled within 15 days of your request for due process and is conducted by the District Office Manager (DOM) or designee who will review your complaint with you. The DOM or designee will provide a written decision to you within 5 days. You will have 15 days to accept or reject the decision.



YES, I would like to participate in an Informal Review with the District Office.



NO, I do not want an Informal Review.

► **MEDIATION**

Conducted by a qualified and impartial mediator; the costs of mediation services are paid by ACCES-VR. Participation in Mediation is voluntary for both parties, discussions during Mediation are confidential, and any agreement reached during mediation will be written by the mediator and signed by both you and the District Office.



YES, I would like to participate in Mediation with the District Office and a Qualified Mediator.



NO, I do not want a Mediation.

4. REPRESENTATION

You have a right to be represented during due process - by a relative, advocate, attorney, DRNY-CAP, or other spokesperson. Please complete the following information so the Notice of Hearing and other documents can be provided to them.

Note: You are not required to be represented to attend your hearing.

Name of Representative: Robert W. Johnson Relationship to you: self
 Street Address: 65 SIDNEY ST.
 City: BUFFALO State: NY Zip: 14211
 Phone: (513) 258-8488 Email Address: robertjohnson305@gmail.com

Disability Rights of New York, Client Assistance Program (DRNY-CAP) may be able to assist you in preparing for your hearing or representing you at hearing. Additional information can be requested by contacting Disability Rights New York at: 518-432-7861 (Main) · 518-512-3448 (TTY) · 800-993-8982 (Toll Free) · 518-427-6561 (Fax) · or Email DRNY-CAP at mail@drny.org

Please note: DRNY-CAP is a separate agency and NOT affiliated with ACCES-VR.

5. SIGNATURE AND DATE (required)

Your Signature: Robert W. Johnson

Date: 10/13/2022

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, pregnancy, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its recruitment, educational programs, services, and activities. Portions of any publication designed for distribution can be made available in a variety of formats, including Braille, large print or audiotape, upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Office of Human Resources Management, Room 528 EB, Education Building, Albany, New York 12234.

► **Return Form to:** Your local ACCES-VR District Office, or ACCES-VR Quality Assurance & Monitoring Unit (QAMU) 89 Washington Ave, Room 560 EBA, Albany NY 12234 <

Dated: ERIE Buffalo New York
(County where signed)
November 11, 20 22
(Date signed)

Respectfully Submitted,
Robert W. Johnson
(Petitioner's name)
655 Sidney St.
(Petitioner's street address)
Buffalo, NY 14211
(Petitioner's city, state, zip)
513-258-8488
(Petitioner's telephone no.)

TO:
Craig Tessler
(Respondent or Respondent's Attorney's name)
89 WASHINGTON AVE: ROOM 560 EBA
(Street address)
Albany, NY 12234
(City, state, zip)
800-222-5627
(Telephone no.)

State of NY
County of Erie

Subscribed & sworn before me
on 11/14/22

Scott Shugarts

2

02/12

SCOTT SHUGARTS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5/1/25



REQUEST FOR JUDICIAL INTERVENTION

SUPREME COURT, COUNTY OF ERIEUCS-840
(rev. 07/29/2019)

Index No: _____

Date Index Issued: _____

For Court Use Only:

CAPTION

Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

IAS Entry Date

Robert W. Johnson and 101 Hands On

Plaintiff(s)/Petitioner(s)

-against-

Craig Tessler, Esq., Danielle Maloy, Bethanne Guest
Bergum, Linda Hesch, The University of the State New York,
The State of Education Department, Office of Adult Career Edu. Serv. Voc. Reh. ACCES

Defendant(s)/Respondent(s) (VR)

Judge Assigned

RJ Filed Date

NATURE OF ACTION OR PROCEEDING

Check only one box and specify where indicated.

COMMERCIAL

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
- ☐ Contract
- ☐ Insurance (where insurance company is a party, except arbitration)
- ☐ UCC (includes sales and negotiable instruments)
- ☒ Other Commercial (specify): WHISTLEBLOWER ACTIONS

NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJ ADDENDUM (UCS-840C)**.

REAL PROPERTY

Specify how many properties the application includes:

- ☐ Condemnation
- ☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial
- Property Address: _____

NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJ ADDENDUM (UCS-840F)**.

- ☐ Tax Certiorari
- ☐ Tax Foreclosure

☒ Other Real Property (specify): WHISTLEBLOWER PROBES

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section]
- ☐ Emergency Medical Treatment
- ☐ Habeas Corpus
- ☐ Local Court Appeal
- ☐ Mechanic's Lien
- ☐ Name Change
- ☐ Pistol Permit Revocation Hearing
- ☐ Sale or Finance of Religious/Not-for-Profit Property
- ☒ Other (specify): WHISTLEBLOWER PROBES

MATRIMONIAL

- ☐
- Contested

NOTE: If there are children under the age of 18, complete and attach the **MATRIMONIAL RJ ADDENDUM (UCS-840M)**.

For Uncontested Matrimonial actions, use the Uncontested Divorce RJ (UD-13).

TORTS

- ☐ Asbestos
- ☐ Child Victims Act
- ☐ Environmental (specify): _____
- ☐ Medical, Dental or Podiatric Malpractice
- ☐ Motor Vehicle
- ☐ Products Liability (specify): _____
- ☒ Other Negligence (specify): WHISTLEBLOWER
- ☒ Other Professional Malpractice (specify): WHISTLEBLOWER
- ☒ Other Tort (specify): WHISTLEBLOWER

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see NOTE in COMMERCIAL section]
- ☐ CPLR Article 78 (Body or Officer)
- ☐ Election Law
- ☐ Extreme Risk Protection Order
- ☐ MHL Article 9.60 (Kendra's Law)
- ☐ MHL Article 10 (Sex Offender Confinement-Initial)
- ☐ MHL Article 10 (Sex Offender Confinement-Review)
- ☐ MHL Article 81 (Guardianship)
- ☐ Other Mental Hygiene (specify): _____
- ☒ Other Special Proceeding (specify): WHISTLEBLOWER

STATUS OF ACTION OR PROCEEDING

Answer YES or NO for every question and enter additional information where indicated.

Has a summons and complaint or summons with notice been filed?

YES

☒

NO

☐If yes, date filed: 10/13/2022

Has a summons and complaint or summons with notice been served?

☒☐If yes, date served: 10/13/2022

Is this action/proceeding being filed post-judgment?

☐☒If yes, judgment date: N/A

NATURE OF JUDICIAL INTERVENTION

Check one box only and enter additional information where indicated.

- ☐ Infant's Compromise
- ☐ Extreme Risk Protection Order Application
- ☐ Note of Issue/Certificate of Readiness
- ☐ Notice of Medical, Dental or Podiatric Malpractice
- ☐ Notice of Motion
- ☐ Notice of Petition
- ☐ Order to Show Cause
- ☐ Other Ex Parte Application
- ☐ Poor Person Application
- ☐ Request for Preliminary Conference
- ☐ Residential Mortgage Foreclosure Settlement Conference
- ☐ Writ of Habeas Corpus
- ☒ Other (specify): WHISTLEBLOWER PROBES

Date Issue Joined: _____

Relief Requested: _____

Relief Requested: _____

Relief Requested: _____

Relief Requested: _____

Return Date: _____

Return Date: _____

Return Date: _____

RELATED CASES				
List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the RJ1 ADDENDUM (UCS-840A).				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES				
For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the RJ1 ADDENDUM (UCS-840A).				
Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input checked="" type="checkbox"/>	Name: Craig Tessler, Esq. Role(s):	Craig Tessler, Esq.: 89 Washington Ave., Room 560, Albany, NY 12234.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Pending Disclosures.
<input checked="" type="checkbox"/>	Name: Danielle Maloy Role(s):	Danielle Maloy: 89 WASHINGTON AVE., Room 560, Albany, NY 12234.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Pending
<input checked="" type="checkbox"/>	Name: Bethanne Guest-Bergum Role(s):	Bethanne Guest-Bergum: 89 WASHINGTON AVE., Room 560, Albany, NY 12234.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Pending
<input checked="" type="checkbox"/>	Name: Linda Hesch Role(s):	Linda Hesch: 89 Washington Ave., Room 560, Albany, NY 12234.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Pending
<input checked="" type="checkbox"/>	Name: The Univ. of the State of NY; The State of Edu Dept Role(s):	The Univ. of the State of N.Y.; The State of Edu Dept: 89 Washington Ave., Room 560, Albany, NY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Pending
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 11/14/2022

076-178-9909

Attorney Registration Number

Robert W. Johnson
 Signature
 Robert W. Johnson
 Print Name



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES

Vocational Rehabilitation

Buffalo District Office

508 Main Street

Buffalo, NY 14202

Tel: (716) 848-8001

(888) 652-7062

Fax: (716) 848-8103

TTY: (716) 848-8105

September 26, 2022

Robert W. Johnson
65 Sidney St.
Buffalo, NY 14211

Dear Mr. Johnson:

I am writing to you to confirm that you are eligible for vocational rehabilitation services from ACCES-VR based on your disability, which affects your ability to work, and because you will need help to get or keep a job. You were informed of this at our last meeting.

At that time, we provided you with a copy of the pamphlet: **Developing Your Individualized Plan for Employment (IPE)**, which describes your options to develop your plan and includes a checklist to help you identify how much help you might need in developing your plan.

The next step in our working together is for me to complete the referral for Supported Employment Services through Restoration Society as discussed at our meeting. Their staff will be in contact with you once referral is received. If you have any questions in the meantime, please contact me at (716)848-8013.

Thank you for your cooperation.

Sincerely,

Linda Hesch
Director of Counseling

Enclosure
LH

SUPREME COURT OF THE STATE OF NEW YORK

Insert Name of Court
COUNTY OF ERIE
Robert W. Johnson &
101 Hands On

(Names of Plaintiff(s)/Petitioner(s))
Craig Tessler Esq., Danielle Maloy, Bethanne Guest-
Bergum, Linda Hesch, The University of the State New York,
The State Education Department, Office of Adult Career and Continuing Education Services, Voc
Reh. (ACCES-VR)
(Names of Defendant(s)/Respondent(s))

AFFIDAVIT OF SERVICE

Index No. _____

STATE OF NEW YORK
COUNTY OF ERIE SS:
(County where notarized)

I, Robert W. Johnson being duly sworn says:
(Insert name of person who serves papers)

I am not a party to the action, am over 18 years of age.

I reside at 112 Court St., APT. 2, Watertown, NY 13601.
(Insert street address, city/town/village, state and zip code)

On November, 2022, served a true copy of the following papers,
(Date papers served)

_____ which are attached to this affidavit, in the
(Identify the papers served)
following manner: (check & complete one area below)

X By personally delivering the papers to: Erie County Supreme Court
at 25 Delaware Ave, Buffalo, NY 14202
(Insert name of person served)
(Insert street address, city/town/village, state and zip code)

PERSONAL SERVICE

The individual I served had the following characteristics: (fill in applicable information)

Male ☐ Female ☐ Skin Color _____ Hair Color _____

21-34 yrs. ☐ 35-50 yrs. ☐ 51-61 yrs. ☐ Over 61 yrs. ☐

120-150 lbs. ☐ 151-181 lbs. ☐ Over 182 lbs. ☐

Approximate height _____

Other distinguishing features _____

DUE PROCESS RIGHTS

What can I do
if I disagree
with decisions
about my case ?



- ☐ agree
☐ disagree

APPEALING AN ACCES-VR DECISION

If at any time you do not agree with a decision made by ACCES-VR, you have the right to appeal. You may seek and receive a timely review of the decision and resolution of any disagreement by requesting one or more of the following due process options:

■ INFORMAL REVIEW:

You meet with your counselor and your counselor's supervisor.

■ ADMINISTRATIVE REVIEW:

You communicate your concerns to the District Office Manager or other staff person.

■ MEDIATION:

You communicate your concerns to an Impartial Mediator.

■ IMPARTIAL HEARING:

You state your concerns before an Impartial Hearing Officer.

WHEN TO ASK FOR AN APPEAL

You must ask for an appeal within **90 days** of the action or decision with which you disagree, unless you can show good reason for asking for an appeal after 90 days. You should request the appeal when you are unhappy with an action or decision such as:

- not allowing you to apply for services,
- not allowing you to get the services you want,
- stopping or limiting your services, or
- other reasons.

THE APPEALS PROCESS

Generally, the first step is to begin with an informal review where you meet with your counselor and your counselor's supervisor to discuss the issue. If you have already done so and are not satisfied, you can ask for an appeal of the decision.

- Ask for the appeal *in writing* by using an ACCES VR-711 Form or a signed and dated letter. **Identify the issue(s) you would like reviewed.** Explain the problem, when it happened, identify the people involved, and describe the action you would like from ACCES-VR.

Note: ACCES-VR policies and the VR-711 Form are available on the ACCES-VR web site:

<http://www.acces.nysed.gov/vr/vocational-rehabilitation-policies-and-procedures>

- The review will be scheduled after your request is received.
- You may look at your case record, ACCES-VR policies, and other documents before and during the administrative review, mediation or impartial hearing process.
- Inform ACCES-VR if you need a sign language interpreter or other reasonable accommodation. ACCES-VR will help you find and pay for the interpreter for your review.
- ACCES-VR will pay for your transportation within New York State to come to the administrative review, mediation and/or hearing. However, ACCES-VR will **not** pay expenses for anyone you bring.
- ACCES-VR will not suspend, reduce or terminate services that you are receiving at the time you ask for an appeal unless those services were obtained through misrepresentation, fraud, collusion, or criminal conduct.
- *Right to Representation:* You may bring a relative, advocate or legal counsel with you to your due process review. Let ACCES-VR know who you are bringing *in writing* and provide their contact information.

CLIENT ASSISTANCE PROGRAM (CAP)

Staff from the Client Assistance Program (CAP) may represent you or assist you in representing yourself at any due process review you select. In some cases, CAP can provide you with legal advice if your due process review proves unsuccessful. (Additional information about the Client Assistance Program is included in this brochure).



ADMINISTRATIVE REVIEW

- ACCES-VR will let you know **in writing** — the day, time, reviewer and location for your administrative review at least 7 days before the review. The ACCES-VR District Office Manager or another staff person will conduct the review.
- You (and/or your representative) will be able to talk about your complaint and give your points of view to the reviewer at the review meeting.
- The reviewer will mail you a written decision (within 5 days) after the review and ask you if you agree with or disagree with the decision.
- **Agree:** If you agree with the administrative review decision you should tell the District Office Manager **in writing** and withdraw any request you may have for mediation or an impartial hearing. ACCES-VR will begin to carry out the decision within 20 days.
- **Disagree:** If you disagree with the administrative review decision, you should tell the District Office Manager **in writing**. This will allow you the choice to pursue mediation and/or an impartial hearing.
- The District Office Manager may decide not to hold an administrative review if it will not solve the problems (because of a law, regulation or policy.) If the Manager decides not to hold an administrative review, you and your representative will be told **in writing** and the mediation and/or the impartial hearing will be set up, based on your choice.

MEDIATION

- Mediation is voluntary both for you and for ACCES-VR. The Mediation Center or ACCES-VR can give you information about how mediation works and how it may solve your problem. (List of mediation centers is included in this brochure). If you decide you want mediation, you can begin the mediation process by asking for mediation from the ACCES-VR District Office **in writing**.
- After you have sent ACCES-VR a **written** request, you can contact the Mediation Center and ask them to set up the mediation session; or if you prefer, you can ask ACCES-VR to make the arrangements. The mediator will help you and ACCES-VR to work together and agree on how to solve the problem.
- The Mediation Center will attempt to set up the mediation within 14 days of the request, at a time and place that will be good for everyone.

IMPARTIAL HEARING

- Send ACCES-VR your **written** request for an impartial hearing. You may do this **without** first having an administrative review or mediation.
- ACCES-VR will appoint a hearing officer after receiving your request.
- The hearing officer is someone who knows vocational rehabilitation laws, policies, and the vocational rehabilitation service system. The hearing officer does not work for ACCES-VR or an agency that is involved with your case.
- The hearing will be scheduled within 60 days from the time ACCES-VR receives your request for a hearing **in writing**.
- You will be notified **in writing** about the hearing at least 14 days before the hearing.
- A hearing can only be postponed by the hearing officer **if everyone agrees** or if the hearing officer decides that either party has a good reason.
- You and your representative will be able to give your points of view and evidence about the disagreement to the hearing officer.
- After the impartial hearing is over, the hearing officer will send a **written** decision to you, your representative, and to ACCES-VR no later than 21 days after he or she receives the hearing transcript.
- The hearing officer's decision is final, and your ACCES-VR counselor will begin to do what the hearing officer decides within 20 days of receiving the decision.

APPEALING YOUR HEARING DECISION

- If you disagree with your impartial hearing decision, you may file for a civil action for review in federal court or the New York State Supreme Court (Article 78 Proceeding). Please note that there are deadlines for filing an action in civil court which are dictated by the State's Rules of Civil Procedure or the Federal Rules of Civil Procedure, depending on the appropriate forum. It is best to get help from an attorney. The Client Assistance Program may also help you with your legal appeal and provide additional information regarding the statute of limitations related to the civil action.

By mailing the same in a sealed envelope, with postage prepaid
MAIL thereon, in a post-office or official depository of the U.S. Postal Service within the
 State of New York, addressed to the last-known address of the addressee(s) as
 indicated below:

By depositing the same with an overnight delivery service in a wrapper properly
OVERNIGHT DELIVERY SERVICE addressed. Said delivery was made prior to the latest time designated by the
 overnight delivery service for overnight delivery. The delivery service used was

U.S. Post Mail The name(s) and address(es) of person(s) served
 (Insert name of delivery service used)
 are indicated below:

Name	Street address	City/town/village, state, zip code
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Erie County Court	25 Delaware Ave	Buffalo, NY 14202
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Erie County City Court	50 Delaware Ave	Buffalo, NY 14202
------------------------	-----------------	-------------------

NYS Education Dept	89 Washington Ave	Room 5606BA Albany, NY 122
--------------------	-------------------	----------------------------

NYS Education Dept	508 Main St	Buffalo, NY 14203
--------------------	-------------	-------------------

(Sign your name in the presence of a Notary Public)

(Print your name)

Sworn to before me this

14 day of Nov, 2022

Scott Shugarts
 Notary Public

SCOTT SHUGARTS
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires 5/1/2025

CASE NOTE

CONSUMER NAME: ROBERT W. JOHNSON
CASE ID: # 0300082628
STATUS: OZ

OBJECTIONS TO BACKGROUND INFORMATION AND CURRENT IMPRESSIONS CASE NOTE

12/06/2022

Robert W. Johnson objects to all alleged accusations to deny Robert W. Johnson vocational training and sponsorship. Robert W. Johnson was falsely arrested and prosecuted and coerced to take a plea deal due to police excessive force. Robert W. Johnson has been discriminated against and currently am experiencing continuations of cruel & unusual punishment by being denied services.

Robert W. Johnson
Robert W. Johnson

12/06/2022

Case 1:22-cv-00946-JLS Document 1 Filed 12/07/22 Page 74 of 92

CERTIFICATE OF SERVICE

Robert W. Johnson, served a copy of
OBJECTIONS TO BACKGROUND INFORMATION
AND CURRENT IMPRESSIONS CASE NOTE
on 12/06/2022 upon:

1. Linda Hesch; 89 Washington Ave.:
Albany, NY 12234.
 2. Craig Tessler, Esq.; 89 Washington
Ave.: Albany, NY 12234.
 3. Danielle Malay; 89 Washington Ave.:
Albany, NY 12234.
 4. Bethanne Guest-Bergum; 89
Washington Ave.: Albany, NY 12234.
 5. Monica Toye-Smith; 89 Washington Ave.:
Albany, NY 12234.
- Robert W. Johnson
12/06/2022



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

ADULT CAREER AND CONTINUING EDUCATION SERVICES - Vocational Rehabilitation (ACCES-VR)
 Monica Toye-Smith, Manager – ACCES-VR Quality Assurance/Monitoring Unit
 89 Washington Avenue, Room 560, Albany, NY 12234
 1-800-222-5627 | Fax (518) 473-7466 | E-mail: VRQuality@nysed.gov

NOTICE OF HEARING

November 8, 2022

Robert Johnson
 65 Sidney Street
 Buffalo, New York 14211

Dear Mr. Robert Johnson,

This letter serves as the **Notice of Hearing** in response to your request for due process dated October 13, 2022 and received at the Office of Adult Career and Continuing Education Services – Vocational Rehabilitation on October 13, 2022.

Your **Impartial Hearing** is scheduled for:

Date:	December 8, 2022
Time:	10:00 AM
Location: Zoom	<p>Topic: Johnson Impartial Hearing Time: Dec 8, 2022 10:00 AM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/83025447638?pwd=c09TMFRvc0pTT0cybGtqeIRDSFpCdz09 Meeting ID: 830 2544 7638 - Passcode: eVAZ3w - One tap mobile +16465588656,,83025447638#,,,,*071358# US (New York) +16469313860,,83025447638#,,,,*071358# US Dial by your location 1 646 558 8656 US (New York) – +1 646 931 3860 US 1 309 205 3325 US +1 312 626 6799 US (Chicago) 1 301 715 8592 US (Washington DC) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 689 278 1000 US +1 719 359 4580 US +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) Meeting ID: 830 2544 7638 Passcode:71358 Find your local number: https://us02web.zoom.us/j/83025447638?pwd=c09TMFRvc0pTT0cybGtqeIRDSFpCdz09</p>

In accordance with the Regulations of the Commissioner of Education, Ceylane Meyers-Ruff, Deputy Commissioner of ACCES-VR, has appointed Craig Tessler, Esq. as IHO for your hearing.

The IHO will review the information presented by both yourself and the ACCES-VR District Office at the hearing. Neither you nor the District Office may communicate directly with the IHO *prior* to the hearing.

The primary issue for this hearing is Nature/Content/Scope of Individual Plan for Employment (IPE) – denied college and vocational training. However, the Impartial Hearing Officer (IHO) assigned to your case may further clarify these issues.

Enclosed is a resource entitled “Questions & Answers about the Impartial Hearing Process.” It is recommended you review this document prior to your hearing.

If possible, do not schedule other appointments on the day of your hearing. The proceedings may last several hours.

If you need to request an **adjournment**, or change the date and time of your hearing, you must contact the Quality Assurance & Monitoring Unit (QAMU) at VRQuality@nysed.gov or 1-800-222-5627, **no later than 3 business days before the date of the hearing**. In your request, please provide a more convenient date and time. Please note that the IHO will make the decision of whether or not to grant your request for adjournment.

Exhibits

Pursuant to §247.1-3 of the Regulations of the Commissioner of Education, you have the right to present evidence to the IHO to support your position as exhibits at the hearing. At the beginning of the hearing, please advise the IHO if you will be presenting any supporting evidence for your appeal. If your hearing is being conducted remotely, QAMU will provide you with information and a deadline for submitting your exhibits in advance of the hearing.

You are entitled to a copy of your case record. If you would like a copy, please contact Buffalo District Office Director of Counseling Linda Hesch via email at Linda.Hesch@nysed.gov or via telephone 716-848-8013 **at least 10 business days prior to the date of your hearing**.

Representation

You have the right to be accompanied and represented by an authorized representative, such as legal counsel, an advocate, a relative, or other spokesperson.

Enclosed is a brochure describing the **free services** provided by Disability Rights New York’s (DRNY) Client Assistance Program (CAP). CAP at DRNY may answer your questions about the hearing process. They may also represent you at your hearing. Be advised that having a CAP advocate does not mean that you the CAP attorney has agreed to represent you at your hearing. If you would like to request representation from CAP, please contact them at:

mail@drny.org or 1-800-993-8982.

Please note ACCES-VR is not affiliated with DRNY CAP, they are a separate agency.

If you intend to be represented by anyone, you must provide QAMU with the name of your representative **no later than 10 business days prior to the date of your hearing**. If you fail to notify QAMU by this deadline, the hearing may be adjourned. The time of the adjournment will not count against ACCES-VR's 60-day time requirement.

Day of the Hearing

Pursuant to regulation, you must personally attend the hearing. Upon request, the ACCES-VR District Office will pay for your transportation expenses. However, ACCES-VR will not pay expenses incurred by anyone who accompanies you or represents you at the hearing.

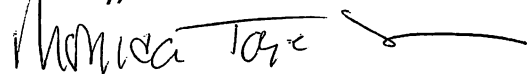
If you fail to appear at the scheduled hearing, you may be found in default; meaning, you may lose the hearing. If a default judgement is rendered, you will waive the right to further appeal on these issues within ACCES-VR *unless you can document good cause for the absence*.

Post-Hearing

The record will consist of a stenographic transcript of the hearing, prepared by a court reporter. After the hearing, a copy of the hearing transcript will be mailed to all parties. The IHO will then submit a written **decision within 21 days of receipt of the hearing transcript**.

If you have any questions, please contact us at: VRQuality@nysed.gov or 1-800-222-5627.

Sincerely,



Monica Towe-Smith, Manager
Quality Assurance & Monitoring Unit
ACCES-VR Central Office

Enclosures

c: Craig Tessler, Esq.

Danielle Maloy

Bethanne Guest-Bergum

Linda Hesch



The University of the State of New York
THE STATE EDUCATION DEPARTMENT
 Office of Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR)

DUE PROCESS REQUEST

Form **VR-711** (Rev. 7-2021)

If you do not agree with a decision or action made by ACCES-VR you may ask for a review of the decision by requesting due process. Your due process request must be made within 90 days of the action or decision you disagree with *unless* you can show good reason for asking after 90 days. ACCES-VR will not suspend, reduce, or terminate vocational rehabilitation services being provided to you as an applicant or recipient of services until your complaint is resolved.

Upon receipt of your request our Quality Assurance and Monitoring Unit will contact you to advise you of next steps. Failure to provide a signed form with all required information may result in a delay.

► For DO/CO Use ◀
 Date stamp form receipt here:

1. CONTACT INFORMATION (required)

Last Name: Johnson First Name: Robert Middle Initial: W
 Street Address: 65 SIDNEY ST.
 City: BUFFALO State: NY Zip: 14211
 Phone: (513) 258-8488 Email Address: robertjohnson365@gmail.com

2. WHAT ACTION or DECISION DO YOU REQUEST BE REVIEWED? (required)

Briefly describe (a) the action or decision by ACCES-VR you disagree with, (b) when it occurred, (c) the individuals involved, and (d) why you disagree. You may use the back of the form or attach another page if you need more space.

I requested a grant for college/vocational training and was denied.

2a. HOW WOULD YOU LIKE THIS DISAGREEMENT DECIDED? (required)

Briefly describe how you would like this disagreement decided - What solution or outcome do you want from due process? You may use the back of the form or attach another page if you need more space.

Legal : Due Process Hearing ; Whistleblower
Probes : Monetary Compensations.

3. IMPARTIAL HEARING

An IMPARTIAL HEARING must be scheduled within 60 days of receipt of a valid request for due process. Any request to postpone the hearing requires the agreement of all parties and approval of the Impartial Hearing Officer (IHO). Impartial Hearing Officers (IHO) are NOT employees of ACCES-VR. ACCES-VR is responsible for the Hearing Officer's fee for conducting a hearing, for the cost of transcription services, and cost of any reasonable accommodation you require to participate in the hearing.

► REASONABLE ACCOMMODATION

☒ Check this box if you require a reasonable accommodation to participate in an Impartial Hearing.

Please identify the type of accommodation you require:

Legal attorney ; Whistleblower
Probes ; Monetary Compensations.

ACCES-VR makes INFORMAL DISPUTE RESOLUTION (Administrative Review) and MEDIATION available to you as a less formal and quicker way to resolve your dispute. Participation is not required, is voluntary for all parties, and should not delay your hearing unless agreed to by all parties and approved by the IHO. If an agreement is reached, your Impartial Hearing may be canceled. If you are unable to reach an agreement, you can proceed to an impartial hearing without delay.

► **INFORMAL DISPUTE RESOLUTION (Administrative Review)**

Must be scheduled within 15 days of your request for due process and is conducted by the District Office Manager (DOM) or designee who will review your complaint with you. The DOM or designee will provide a written decision to you within 5 days. You will have 15 days to accept or reject the decision.



YES, I would like to participate in an Informal Review with the District Office.



NO, I do not want an Informal Review.

► **MEDIATION**

Conducted by a qualified and impartial mediator; the costs of mediation services are paid by ACCES-VR. Participation in Mediation is voluntary for both parties, discussions during Mediation are confidential, and any agreement reached during mediation will be written by the mediator and signed by both you and the District Office.



YES, I would like to participate in Mediation with the District Office and a Qualified Mediator.



NO, I do not want a Mediation.

4. REPRESENTATION

You have a right to be represented during due process - by a relative, advocate, attorney, DRNY-CAP, or other spokesperson. Please complete the following information so the Notice of Hearing and other documents can be provided to them.

Note: You are not required to be represented to attend your hearing.

Name of Representative: Robert W. Johnson Relationship to you: self
 Street Address: 65 SIDNEY ST.
 City: BUFFALO State: NY Zip: 14211
 Phone: 513-258-8488 Email Address: robertjohnson30@gmail.com

Disability Rights of New York, Client Assistance Program (DRNY-CAP) may be able to assist you in preparing for your hearing or representing you at hearing. Additional information can be requested by contacting Disability Rights New York at: 518-432-7861 (Main) · 518-512-3448 (TTY) · 800-993-8982 (Toll Free) · 518-427-6561 (Fax) · or Email DRNY-CAP at mail@drny.org

Please note: DRNY-CAP is a separate agency and NOT affiliated with ACCES-VR.

5. SIGNATURE AND DATE (required)

Your Signature: Robert W. Johnson

Date: 10/13/2022

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, pregnancy, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its recruitment, educational programs, services, and activities. Portions of any publication designed for distribution can be made available in a variety of formats, including Braille, large print or audiocassette, upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Office of Human Resources Management, Room 528 EB, Education Building, Albany, New York 12234.

► **Return Form to:** Your local ACCES-VR District Office, or ACCES-VR Quality Assurance & Monitoring Unit (QAMU) 89 Washington Ave, Room 560 EBA, Albany NY 12234 ◀

CAP

Client Assistance Program Information

The Client Assistance Program (CAP) is a free Statewide network of skilled advocates that assist New Yorkers with disabilities in getting the training, equipment and services needed for employment. CAP advocates assist New Yorkers who apply for or receive services from the New York State Office of Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR) or the New York State Commission for the Blind (NYSCB).

Individuals seeking the assistance of CAP should contact Disability Rights New York to be directed to the appropriate regional CAP advocate.

Mailing Address:

Disability Rights New York
725 Broadway, Suite 450
Albany, NY 12207

Email: mail@drny.org

Phone:

Main Phone(518) 432-7861
TTY.....(518) 512-3448
Toll Free(800) 993-8982
FAX(518) 427-6561

ACCES-VR

ACCES-VR Contact Information

Mailing Address:

NYS Education Department
Office of Adult Career and Continuing
Education Services - Vocational
Rehabilitation (ACCES-VR)
Quality Assurance & Monitoring Unit
89 Washington Avenue, Room 560EBA
Albany, NY 12234

Phone: (800) 222-5627

Email: accesadm@nysed.gov

QA/Monitoring Web Page:

<http://www.acces.nysed.gov/vr/quality-assurance-and-monitoring>

ACCES-VR Web Page:

<http://www.acces.nysed.gov>

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Application of

Robert W. Johnson,
Robert Johnson, /s/ Hands On.

(Names of Petitioner(s))

NOTICE OF PETITION

Index No. _____

Craig Tessler, Esq.,
Danielle Maloy, Bethanne Guest-
Bergum & Linda Hesch,

(Names of Respondent(s))

The University of the State New York: The State of
Education Department, Office of Adult Career and Continuing Education Services-Voc. Reh. (Acce
VR)

PLEASE TAKE NOTICE that upon the verified petition of Robert W. Johnson

(Insert your name)

sworn to on the 11TH day of November 2022

(Date Petition was sworn to before a Notary Public)

and the exhibits attached thereto, and upon all the proceedings in the case to date, the

petitioner(s)

Robert W. Johnson, Robert Johnson & /s/ Hands On.

(Insert names of all Petitioners)

will petition this court, at 10 A.M./P.M. on the 11TH day of November 2022

(Insert return time & date advised orally by the Court)

the Courthouse at _____, New York in

(Court street address)

IAS Part _____, for a judgment, pursuant to Civil Practice Law and Rules granting the

following relief to the petitioner(s):

Records under F.O.I.L on file with
department, Due Process, Discovery purposes, 50-h Hearing
Depositions, Impartial Hearing Depositions, Verdicts, Civil.

(Insert brief statement of relief requested)

and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Civil Practice Law

and Rules 403(b), you are hereby required to serve copies of your answer on the

undersigned no later than the seventh day prior to the date set above for the

submission of this proceeding.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Application of

Robert W. Johnson,
Robert Johnson, 101 Hands On.

(Names of Petitioner(s))

VERIFIED PETITION

Index No. _____

Craig Tessler, Esq., Danielle Maloy,
Bethane Guest-Bergum, Linda Hesch,
New York: The State of Education Department: Office of The University of the State
Education Services: Voc. Reh. (ACCES-VR)
Adult Career and Continuing

The petition of Robert W. Johnson and 101 Hands On
(Insert your name(s))
respectfully shows to this Court as follows:

1. Your petitioner(s) resides at 112 Court St.: APT. 2: Watertown,
NY 13601: 5132588488
(Insert your street address, city, state, zip code)

2. The respondent(s) are Craig Tessler, Esq., Danielle Maloy,
Bethane Guest-Bergum & Linda Hesch, The University of the
State New York: The State of Education Department: Office of
Adult Career and Continuing Education Services- Voc. Reh. (ACCES-VR).

3. Craig Tessler, Esq., Danielle Maloy,
Bethane Guest-Bergum, Linda Hesch and The University
of the State New York: The State of Education Department
Office of Adult Career and Continuing Education Services
Voc. Reh. (ACCES-VR) discriminated against
Robert W. Johnson and 101 Hands On
for educational grant application
services and merits for Due Process
Rights as Applicant(s).

sought the same relief you are now seeking) (has / has not) (Only indicate that a prior application has been made if you herein. The prior application was made

on October 13, 2022
for Due Process Rights and discrimination
hearings and probes.

(Describe where, when, and by whom the prior application was made; the result and why you are making a second application.)

WHEREFORE, your deponent prays that this Court

Monetary Awards
Grants, Due Process Rights, Court Fees Grant, Merits for
Services, Attorney Fees, Insurance Coverages and
Benefits, Lost Wages, Court Order Grants & Artic
78

and such other relief as the Court may find just and proper.

Robert W. Johnson
(Sign your name in the presence of a Notary Public)
Robert W. Johnson
(Print your name)

State of NY
County of Erie
Sworn to before me this

14 day of Nov, 20 22

Scott Shugarts
Notary Public

SCOTT SHUGARTS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5/1/25

All respondents are in violation of civil laws and liberties for Robert W. Johnson and 101 Hands On merits for educational grant services and all other benefits entitled to Robert W. Johnson and 101 Hands On. Robert W. Johnson reserves all rights for due process rights, civil liabilities, insurance coverages, fair hearings, impartial hearings, WHISTLEBLOWER PROBES and all other exhaustions of administrative remedies available for petitioners.

(Describe what you are asking the Court to do and all the facts concerning your claims in this proceeding, including the underlying events and the nature of any action or decision taken by respondent(s) that you wish to challenge. Add more pages if needed. If you are appealing the decision of a government agency, give the date of the decision and the final determination. Explain why this Court should reverse that decision.)

4. Attached hereto as Appendix/Appendices are copies of all relevant documents showing petitioner's right to win this case, including determination(s) issued by respondent(s) that have a bearing on this case and/or of which petitioner herein complains, if any. These documents are:

documents attached hereto.

(Identify all such documents, including all written decisions or determinations made by respondent(s) that are pertinent to this case and attach copies. Mark each separate document as Exhibit A, Exhibit B, Exhibit C, etc., explaining what each exhibit shows.)

5. A prior application has been made for the relief requested



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

ADULT CAREER AND CONTINUING EDUCATION SERVICES - Vocational Rehabilitation (ACCES-VR)
 Monica Toye-Smith, Manager – ACCES-VR Quality Assurance/Monitoring Unit
 89 Washington Avenue, Room 560, Albany, NY 12234
 1-800-222-5627 | Fax (518) 473-7466 | E-mail: VRQuality@nysed.gov

NOTICE OF HEARING

November 8, 2022

Robert Johnson
 65 Sidney Street
 Buffalo, New York 14211

Dear Mr. Robert Johnson,

This letter serves as the **Notice of Hearing** in response to your request for due process dated October 13, 2022 and received at the Office of Adult Career and Continuing Education Services – Vocational Rehabilitation on October 13, 2022.

Your **Impartial Hearing** is scheduled for:

Date:	December 8, 2022
Time:	10:00 AM
Location: Zoom	<p>Topic: Johnson Impartial Hearing Time: Dec 8, 2022 10:00 AM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/83025447638?pwd=c09TMFRvc0pTT0cybGtgeIRDSFpCdz09 Meeting ID: 830 2544 7638 - Passcode: eVAZ3w - One tap mobile +16465588656,,83025447638#,,,,*071358# US (New York) +16469313860,,83025447638#,,,,*071358# US Dial by your location 1 646 558 8656 US (New York) – +1 646 931 3860 US 1 309 205 3325 US +1 312 626 6799 US (Chicago) 1 301 715 8592 US (Washington DC) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 689 278 1000 US +1 719 359 4580 US +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) Meeting ID: 830 2544 7638 Passcode:71358 Find your local number: https://us02web.zoom.us/j/83025447638?pwd=c09TMFRvc0pTT0cybGtgeIRDSFpCdz09</p>

In accordance with the Regulations of the Commissioner of Education, Ceylane Meyers-Ruff, Deputy Commissioner of ACCES-VR, has appointed Craig Tessler, Esq. as IHO for your hearing.

The IHO will review the information presented by both yourself and the ACCES-VR District Office at the hearing. Neither you nor the District Office may communicate directly with the IHO *prior* to the hearing.

The primary issue for this hearing is Nature/Content/Scope of Individual Plan for Employment (IPE) – denied college and vocational training. However, the Impartial Hearing Officer (IHO) assigned to your case may further clarify these issues.

Enclosed is a resource entitled “Questions & Answers about the Impartial Hearing Process.” It is recommended you review this document prior to your hearing.

If possible, do not schedule other appointments on the day of your hearing. The proceedings may last several hours.

If you need to request an **adjournment**, or change the date and time of your hearing, you must contact the Quality Assurance & Monitoring Unit (QAMU) at VRQuality@nysed.gov or 1-800-222-5627, **no later than 3 business days before the date of the hearing**. In your request, please provide a more convenient date and time. Please note that the IHO will make the decision of whether or not to grant your request for adjournment.

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Pursuant to §247.1-3 of the Regulations of the Commissioner of Education, you have the right to present evidence to the IHO to support your position as exhibits at the hearing. At the beginning of the hearing, please advise the IHO if you will be presenting any supporting evidence for your appeal. If your hearing is being conducted remotely, QAMU will provide you with information and a deadline for submitting your exhibits in advance of the hearing.

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You have the right to be accompanied and represented by an authorized representative, such as legal counsel, an advocate, a relative, or other spokesperson.

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mail@drny.org or 1-800-993-8982.

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Day of the Hearing

Pursuant to regulation, you must personally attend the hearing. Upon request, the ACCES-VR District Office will pay for your transportation expenses. However, ACCES-VR will not pay expenses incurred by anyone who accompanies you or represents you at the hearing.

If you fail to appear at the scheduled hearing, you may be found in default; meaning, you may lose the hearing. If a default judgement is rendered, you will waive the right to further appeal on these issues within ACCES-VR *unless you can document good cause for the absence*.

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The record will consist of a stenographic transcript of the hearing, prepared by a court reporter. After the hearing, a copy of the hearing transcript will be mailed to all parties. The IHO will then submit a written **decision within 21 days of receipt of the hearing transcript**.

If you have any questions, please contact us at: VRQuality@nysed.gov or 1-800-222-5627.

Sincerely,

Monica Toye-Smith, Manager
Quality Assurance & Monitoring Unit
ACCES-VR Central Office

Enclosures

c: Craig Tessler, Esq.

Danielle Maloy

Bethanne Guest-Bergum

Linda Hesch



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

ADULT CAREER AND CONTINUING EDUCATION SERVICES - Vocational Rehabilitation (ACCES-VR)
Quality Assurance and Monitoring Unit
89 Washington Avenue, Room 560, Albany, NY 12234
1-800-222-5627 | Fax (518) 473-7466 | E-mail: VRQuality@nysed.gov

October 26, 2022.

Robert Johnson
65 Sidney Street
Buffalo, New York 14211

Dear Robert Johnson,

The New York State Education Department's Office of Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) received your *Request for Due Process* dated October 13, 2022 in our offices on October 13, 2022. Your impartial hearing will be scheduled within 60 days.

Representation

An impartial hearing is a quasi-legal process, like that found in a court of law. You may have someone represent you at your hearing. This could be a private attorney, family member or friend, or someone from Disability Rights New York's (DRNY) Client Assistance Program (CAP). Note that a CAP advocate and a CAP attorney are different. Only the CAP attorney can represent you at your hearing. You can find more information on DRNY in the *Due Process Brochure* included.

Please be advised that you are not required to have representation at your hearing.

If CAP agrees to represent you, please send us:

- a. Copy of your *Notice of Representation Letter* from CAP; and
- b. Signed VR-21: *Information Release Authorization* form, so we can share information with your representative.

Preparing for Hearing

The *Due Process Brochure* document included may help you prepare for your hearing. You may also review ACCES-VR policy online through this link:

[Vocational Rehabilitation Policies and Procedures | Adult Career and Continuing Education Services | NYS Education Department](#)



The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR)

DUE PROCESS REQUEST

Form VR-711 (Rev. 7-2021)

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> For DO/CO Use <
Date stamp form receipt here:

Upon receipt of your request our Quality Assurance and Monitoring Unit will contact you to advise you of next steps. Failure to provide a signed form with all required information may result in a delay.

1. CONTACT INFORMATION (required)

Last Name: Johnson First Name: Robert Middle Initial: W
Street Address: 65 SIDNEY ST.
City: BUFFALO State: NY Zip: 14211
Phone: 1513 258-8488 Email Address: robertjohnson365@gmail.com

2. WHAT ACTION or DECISION DO YOU REQUEST BE REVIEWED? (required)

Briefly describe (a) the action or decision by ACCES-VR you disagree with, (b) when it occurred, (c) the individuals involved, and (d) why you disagree. You may use the back of the form or attach another page if you need more space.

I requested a grant for college/vocational training and was denied.

2a. HOW WOULD YOU LIKE THIS DISAGREEMENT DECIDED? (required)

Briefly describe how you would like this disagreement decided - What solution or outcome do you want from due process? You may use the back of the form or attach another page if you need more space.

Legal : Due Process Hearing ; Whistleblower
Probes : Monetary Compensations.

3. IMPARTIAL HEARING

An IMPARTIAL HEARING must be scheduled within 60 days of receipt of a valid request for due process. Any request to postpone the hearing requires the agreement of all parties and approval of the Impartial Hearing Officer (IHO). Impartial Hearing Officers (IHO) are NOT employees of ACCES-VR. ACCES-VR is responsible for the Hearing Officer's fee for conducting a hearing, for the cost of transcription services, and cost of any reasonable accommodation you require to participate in the hearing.

► REASONABLE ACCOMMODATION

☒ Check this box if you require a reasonable accommodation to participate in an Impartial Hearing.

Please identify the type of accommodation you require:

Legal attorney ; Whistleblower
Probes ; Monetary Compensations.

ACCES-VR makes INFORMAL DISPUTE RESOLUTION (Administrative Review) and MEDIATION available to you as a less formal and quicker way to resolve your dispute. Participation is not required, is voluntary for all parties, and should not delay your hearing unless agreed to by all parties and approved by the IHO. If an agreement is reached, your Impartial Hearing may be canceled. If you are unable to reach an agreement, you can proceed to an impartial hearing without delay.

► **INFORMAL DISPUTE RESOLUTION (Administrative Review)**

Must be scheduled within 15 days of your request for due process and is conducted by the District Office Manager (DOM) or designee who will review your complaint with you. The DOM or designee will provide a written decision to you within 5 days. You will have 15 days to accept or reject the decision.



YES, I would like to participate in an Informal Review with the District Office.



NO, I do not want an Informal Review.

► **MEDIATION**

Conducted by a qualified and impartial mediator; the costs of mediation services are paid by ACCES-VR. Participation in Mediation is voluntary for both parties, discussions during Mediation are confidential, and any agreement reached during mediation will be written by the mediator and signed by both you and the District Office.



YES, I would like to participate in Mediation with the District Office and a Qualified Mediator.



NO, I do not want a Mediation.

4. REPRESENTATION

You have a right to be represented during due process - by a relative, advocate, attorney, DRNY-CAP, or other spokesperson. Please complete the following information so the Notice of Hearing and other documents can be provided to them.

Note: You are not required to be represented to attend your hearing.

Name of Representative: Robert W. Johnson Relationship to you: self
 Street Address: 65 SIDNEY ST.
 City: BUFFALO State: NY Zip: 14211
 Phone: 513-258-8488 Email Address: robertjohnson305@gmail.com

Disability Rights of New York, Client Assistance Program (DRNY-CAP) may be able to assist you in preparing for your hearing or representing you at hearing. Additional information can be requested by contacting Disability Rights New York at: 518-432-7861 (Main) · 518-512-3448 (TTY) · 800-993-8982 (Toll Free) · 518-427-6561 (Fax) · or Email DRNY-CAP at mail@drny.org

Please note: DRNY-CAP is a separate agency and NOT affiliated with ACCES-VR.

5. SIGNATURE AND DATE (required)

Your Signature: Robert W. Johnson

Date: 10/13/2022

The State Education Department does not discriminate on the basis of age, color, religion, race, disability, marital status, pregnancy, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its recruitment, educational programs, services, and activities. Portions of any publication designed for distribution can be made available in a variety of formats, including Braille, large print or audiotape, upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Office of Human Resources Management, Room 528 E11, Education Building, Albany, New York 12234.

► **Return Form to:** Your local ACCES-VR District Office, or ACCES-VR Quality Assurance & Monitoring Unit (QAMU) 89 Washington Ave, Room 560 EBA, Albany NY 12234 ◀

Dated: November 20th
14th, New York

Robert W. Johnson
Signature
Robert W. Johnson
Print Name

STATE OF NEW YORK)

) ss.:

COUNTY OF ERIE)

I, Robert W. Johnson and 101 Hands On, am the Claimant in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Robert W. Johnson
Signature

Sworn to before me on this 14
day of Nov, 2022.

Scott Shugarts
Notary Public

SCOTT SHUGARTS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5/1/25

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Robert W. Johnson

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Jefferson

(c) Attorneys (Firm Name, Address, and Telephone Number)

101 Hands On: 65 Sidney St.
Buffalo, NY 14211

DEFENDANTS

Linda Hesch, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Albany

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

PRO SE

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF**
Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

DUE PROCESS
DUE PROCESS

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

200,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/07/2022

SIGNATURE OF ATTORNEY OF RECORD

Robert W Johnson

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

JLS

MAG. JUDGE